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| 09/987,943 | 11/16/2001 | Lynn T. Rowe | LTR-101 | 7917 |

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| EXAMINER | |
|---|---|
| HOSSAIN, FARZANA E | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2623 | |

DATE MAILED: 05/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/987,943 | ROWE, LYNN T. | |
| | Examiner | Art Unit | |
| | Farzana E. Hossain | 2623 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *20 March 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-10 and 12-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-10 and 12-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

### *Response to Amendment*

1. This action is in response communications filed on 03-20-06. Claims 1, 4, 8, and 12 are amended. Claim 11 is cancelled. Claim 2, 3, 5-7, 9, 10, 13-20 are original.

### *Specification*

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: One or more Edge Nodes and one or more java based players to integrate wireless QOS for the distribution of rich media.

### *Allowable Subject Matter*

3. The indicated allowability of claim 11 is withdrawn in view of the discovered reference(s) to Ellis and Knutson. Claim 11 was rewritten as an independent base claim 1. Rejections based on the newly cited reference(s) follow.

### *Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 2, 5-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al (US 2004/0117831 and hereafter referred to as "Ellis") in view of Glover (US 6,052,780), Haun et al (US 2004/0153526 and hereafter referred to as "Haun"), Bridge (US 6,405,284), Dziadosz et al (US 5,832,222 and hereafter referred to as "Dziadosz") and Knutson (US 2002/0087416).

Regarding Claim 1, Ellis discloses a profile-driven system for creating, managing and distributing media objects for the presentation of synchronous broadcast and/or interactive television (TV) (Figure 1, Figure 44) programming comprising: a network operations center (Figure 1A, 13) communicating with a legacy system that provides television programming production, management and distribution functionality (Figure 1A, 11); one or more contributors (Figure 1A, 12) that access the TV programming functionality of the legacy system via an open standard any suitable communications to the NOC for the purpose of creating managing and distributing TV programming. A legacy system is an existing system that provides data to the contributors or the NOC. Ellis discloses that facilities can use telephone line to communicate data which would obviously be an existing system communicating with the NOC (Page 3, paragraph 0087). Ellis discloses one or more media delivery devices (Figure 1A, 20) that receive TV programming directly or indirectly and (Figure 1, Page 4, paragraph 0094) synchronously displays TV programming to one or more users through one or many delivery platforms or devices in a broadcast of interactive fashion (Figure 1A, 20). Ellis

discloses delivering rich media via wired or wireless networks (Figure 1A, 24, Page 4, paragraph 0095). It is necessarily included that every server or distribution facility (Figure 1A, 16) has integrated quality of service via the network to distribute the media to the user or wireless QOS to deliver the content as every system has a QOS. The Microsoft Computer Dictionary (5th edition) defines quality of service as the handling capacity of a system or service; the time interval between request and delivery of a product or service to the client or customer. Ellis is silent on the fault tolerant multiprocessor hardware platform operating system with a "best of breed" database and middleware executing the communication and that the communications is conducted via IP based interface and an edge server and java based player integrating the wireless QOS for distribution of rich media.

Glover discloses the NOC or host computer system that is a multiprocessor (Column 7, lines 13-15) UNIX type Operating System (Column 6, lines 49-53). Haun discloses a server or network computer with a fault tolerant hardware platform (Pages 1-2, paragraph 0022) running a Unix type operating system (Page 2, paragraph 0032). Bridge discloses a Unix type operating system with a best of breed database or the Oracle 8 database (Column 6, lines 39-46). It would have been obvious that the Oracle 9i database will be used instead of Oracle 8, as it is the newer version and has advances including backwards compatibility. Dziadosz discloses a scaleable computer system or server having an operating system with middleware (Column 4, lines 14-21), which allows it to communicate between remote systems (Figure 2). It is the function that middleware will allow two different system to communicate or the NOC to

communicate with a legacy system. Dziadosz disclose that the communication infrastructure can be IP based (Column 8, lines 8-10). Knutson discloses content server providing data to an edge server or Internet Service Provider (ISP) server (Figure 1, 14) and a JAVA-based player device or the Mindshare System with Java program (Figure 1, 10, Page 7, paragraph 0098), which delivers content via satellite or wireless means. It is necessarily included that the edge server or JAVA-based player device has integrated quality of service via the network to distribute the media to the user or wireless QOS to deliver the content as every system has a QOS.

Therefore, it would have been obvious at the time the invention was made to modify Ellis in order to include that the NOC is a cluster able multiprocessor UNIX type operating system (Column 7, lines 13-15, Column 6, lines 49-53) as taught by Glover in order to protect the computer system from unauthorized users (Column 3, lines 61-67, Column 4, lines 1-8) as disclosed by Glover. Further, it would have been obvious at the time the invention was made to modify Ellis in order to include that the NOC or network computer with a fault tolerant hardware platform (Pages 1-2, paragraph 0022) running a Unix type operating system (Page 2, paragraph 0032) as taught by Haun in order to maintain a reliable computing environment without added cost (Page 1, paragraph 0005-0006) as disclosed by Haun. And, it would have been obvious at the time the invention was made to modify Ellis in order to include that the NOC or the server has an operating system with middleware (Column 4, lines 14-21) and that the communication infrastructure can be IP based (Column 8, lines 8-10) as taught by Dziadosz in order to connect two processing units to transfer data (Column 2, lines 7-16) as taught by

Dziadosz. Therefore, it would have been obvious at the time the invention was made to modify Ellis in order to include that the NOC or the server a Unix type operating system with a best of breed database or the Oracle 8 database (Column 6, lines 39-46) as taught by Bridge in order to manage data storage devices including the addition of disk drives (Column 3, lines 11-15) as disclosed by Bridge. Moreover, the above listed hardware/software were commercially available and combinable to one of ordinary skill in the art who would want to create a cost efficient and robust system for diverse compatibility. Therefore, it would have been obvious at the time the invention was made to modify Ellis in order to include an edge server or ISP server (Figure 1, 14) and a JAVA-based player device or the Mindshare System with Java program (Figure 1, 10, Page 7, paragraph 0098) to integrate wireless QOS for the distribution of rich media as taught by Knutson in order to provide content to users via processing the content using today's technology (Page 2, paragraph 0013, 0019, 0020) as disclosed by Knutson.

Regarding Claim 2, Ellis, Glover, Haun, Bridge, Dziadosz, Knutson all disclose the limitations of Claim 1. Knutson discloses that the server provides a J2EE implementation (Figure 7 and 8).

Regarding Claim 5, Ellis, Glover, Haun, Bridge, Dziadosz and Knutson all disclose the limitations of Claim 1. Ellis discloses a portion of the TV programming is customized for one of the users (Page 6, paragraph 0112) including sports information (Figure 1A, 11, 15, Figures 29-30) or targeted advertising (Figure 7).

Regarding Claim 6, Ellis, Glover, Haun, Bridge, Dziadosz and Knutson all disclose the limitations of Claim 1. Ellis discloses that a profile is at the server to

distinguish between users as well as parental control features (Page 6, paragraph 0116) and preferences (Page 7, paragraph 0130).

Regarding Claim 7, Ellis, Glover, Haun, Bridge, Dziadosz and Knutson all disclose the limitations of Claim 1. Ellis discloses the TV programming via the distribution facility (Figure 1, 16) is distributed to users directly or indirectly both older programs and future TV programs (scheduled) (Page 1, paragraph 0010, Page 12, paragraphs 0148). Ellis discloses that the transmission to the user can be via the Internet (Figure 1A, 31, 24, Figure 1B, 38). Knutson discloses a content server (Figure 1, 120, Figure 1, 125, Figure 1, 128) delivering content via the Internet using ISP server or edge server and/or the Java based player device or Mindshare system (Figure 1, 10).

Regarding Claim 8, Ellis, Glover, Haun, Bridge, Dziadosz and Knutson all disclose the limitations of Claim 1. Ellis discloses the TV programming via the distribution facility (Figure 1, 16) is distributed to users directly or indirectly both real-time streaming and non-real-time store and forward program elements (Page 1, paragraph 0010, Page 12, paragraphs 0148). Ellis discloses that the transmission to the user can be via the Internet (Figure 1A, 31, 24, Figure 1B, 38). Knutson discloses a content server (Figure 1, 120, Figure 1, 125, Figure 1, 128) delivering content via the Internet using the ISP server or edge server and/or the Java based player device or Mindshare system (Figure 1, 10).

Regarding Claim 9, Ellis, Glover, Haun, Bridge, Dziadosz and Knutson all disclose the limitations of Claim 1. Ellis discloses that the NOC, legacy systems and contributors can all communicate between suitable communications paths which reads

on the integrating the legacy TV system into a unified system capable of creating, managing and simultaneous distributing profile driven, multi distribution platform TV products (Figure 1).

Regarding Claim 10, Ellis, Glover, Haun, Bridge, Dziadosz and Knutson all disclose the limitations of Claim 1. Ellis discloses that the main facility and the real time data sources, real-time data collection facility communicate between different communications path or the contributors and legacy system communicate with different communication paths including with each other reads on integrating hybrid, peer to peer means in the creation, management, and distribution of TV objects and programming. Ellis is silent on copy protection. Glover discloses that there is copy protection between data of a server or systems so that unauthorized viewers cannot access the information (Column 3, lines 61-67, Column 4, lines 1-8).

6. Claims 3, 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Glover, Haun, Bridge, Dziadosz, Knutson as applied to claim 1 above, and further in view of King et al (US 6,477,707 and hereafter referred to as "King").

Regarding Claim 3, Ellis, Glover, Haun, Bridge, Dziadosz, and Knutson all disclose the limitations of Claim 1. Ellis discloses the TV programming is created, managed and distributed with data of the legacy system and the main facility. Ellis, Glover, Haun, Bridge, Dziadosz, Knutson are silent on object oriented play lists in which the TV programming is created, managed, secured and distributed. King discloses object oriented playlists in which the TV programming is created, managed, secured

and distributed or media objects of a particular program (Figure 1, Figure 8, Figure 4). Therefore, it would have been obvious at the time the invention was made to modify Ellis in view of Glover, Haun, Bridge, Dziadosz, Knutson to include that the object oriented playlist in which the TV programming is created, managed, secured and distributed (Figure 1, Figure 8) as taught by King in order to organize data for particular users without having broadcasters control the different media objects (Column 1, lines 32-42) as disclosed by King.

Regarding Claim 4, Ellis, Glover, Haun, Bridge, Dziadosz, Knutson and King all disclose the limitations of Claim 3. King discloses that programming comprises objects whose creation (Figure 1, 40, 45, 50), management (Figure 1, 35), rights management or subscription information is encoded wit the objects (Column 9, lines 25-40), and distribution (Figure 1, Figure 4) is synchronized for playback on all reception devices (Figure 1, 30).

7. Claim 12-15, 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Knutson.

Regarding Claim 12, Ellis discloses a method for distributing media objects for the presentation of synchronous broadcast and/or interactive television (TV) (Figure 1) programming comprising the steps of: providing one or more contributors (Figure 1A, 12) that access the TV programming functionality of the legacy system via any suitable communications to the NOC for the purpose of creating and managing TV programming using the legacy system (Figure 1, 11). A legacy system is an existing system that

provides data to the contributors or the NOC. Ellis discloses that facilities can use telephone line to communicate data which would obviously be an existing system communicating with the NOC (Page 3, paragraph 0087). Ellis discloses distributing the TV program to one or more users, each using a media delivery device (Figure 1A, 20) that receives TV programming directly or indirectly and (Figure 1, Page 4, paragraph 0094) synchronously displays TV programming to the user through one or many delivery platforms or devices in a broadcast of interactive fashion (Figure 1A, 20). Ellis discloses delivering rich media via wired or wireless networks (Figure 1A, 24, Page 4, paragraph 0095). It is necessarily included that every server or distribution facility (Figure 1A, 16) has integrated quality of service via the network to distribute the media to the user or wireless QOS to deliver the content as every system has a QOS. The Microsoft Computer Dictionary (5th edition) defines quality of service as the handling capacity of a system or service; the time interval between request and delivery of a product or service to the client or customer. Ellis is silent on an edge server and java based player integrating the wireless QOS for distribution of rich media. Knutson discloses an edge server or ISP server (Figure 1, 14) and a JAVA-based player device or the Mindshare System with Java program (Figure 1, 10, Page 7, paragraph 0098), which delivers content via satellite or wireless means. It is necessarily included that the edge server or JAVA-based player device has integrated quality of service via the network to distribute the media to the user or wireless QOS to deliver the content as every system has a QOS.

Therefore, it would have been obvious at the time the invention was made to modify Ellis in order to include an edge server or ISP server (Figure 1, 14) and a JAVA-based player device or the Mindshare System with Java program (Figure 1, 10, Page 7, paragraph 0098) to integrate wireless QOS for the distribution of rich media as taught by Knutson in order to provide content to users via processing the content using today's technology (Page 2, paragraph 0013, 0019, 0020) as disclosed by Knutson.

Regarding Claim 13, Ellis and Knutson disclose all the limitations of Claim 12. Ellis discloses displaying the TV program in an interactive manner including using a profile to determine the programming (Page 7, paragraph 120, Page 9, paragraph 130) or interactive purchasing of an advertisement or program (Figure 7) or viewing websites relating to a program while watching the video (Figure 21) or watching the video while chatting with others (Figure 51).

Regarding Claim 14, Ellis and Knutson disclose all the limitations of Claim 12. Ellis discloses managing the TV program (Figure 1).

Regarding Claim 15, Ellis and Knutson disclose all the limitations of Claim 12. Ellis discloses a portion of the TV programming is customized for one of the users (Page 6, paragraph 0112) including sports information (Figure 1A, 11, 15, Figures 29-30) or targeted advertising (Figure 7).

Regarding Claim 18, Ellis and Knutson disclose all the limitations of Claim 12. Ellis discloses that the program can be transmitted to the user via any suitable communications including the Internet, satellite distribution, cable (Figure 1A, 31, 24,

Figure 1B, 24, Page 4, paragraphs 0094-0096), which reads on transcoding the TV program into another format so that it can be displayed on another media device.

Regarding Claim 19, Ellis and Knutson disclose all the limitations of Claim 12. Ellis discloses the TV programming via the distribution facility (Figure 1, 16) is distributed to users directly or indirectly both real-time streaming and non-real-time store and forward program elements (Page 1, paragraph 0010, Page 12, paragraphs 0148). Ellis discloses that the transmission to the user can be via the Internet (Figure 1A, 31, 24, Figure 1B, 38). Knutson discloses a content server (Figure 1, 120, Figure 1, 125, Figure 1, 128) delivering content via the Internet using the ISP server or edge server and/or the Java based player device or Mindshare system (Figure 1, 10).

8. Claims 16, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Knutson as applied to claim 12 above, and further in view of King et al (US 6,477,707 and hereafter referred to as "King").

Regarding Claim 16, Ellis and Knutson disclose the limitations of Claim 12. Ellis discloses the TV programming is created, managed and distributed with data of the legacy system and the main facility. Ellis and Knutson are silent on object oriented play lists in which the TV programming is created, managed, secured and distributed. King discloses object oriented playlists in which the TV programming is created, managed, secured and distributed or media objects of a particular program (Figure 1, Figure 8, Figure 4). Therefore, it would have been obvious at the time the invention was made to modify Ellis in view of Knutson in order to include that the object oriented playlist in

which the TV programming is created, managed, secured and distributed (Figure 1, Figure 8) as taught by King in order to organize data for particular users without having broadcasters control the different media objects (Column 1, lines 32-42) as disclosed by King.

Regarding Claim 17, Ellis, Knutson, and King all disclose the limitations of Claims 16. See rejection of Claim 16.

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis in view of Knutson as applied to claim 12 above, and further in view of Glover.

Regarding Claim 20, Ellis and Knutson disclose all the limitations of Claim 12. Ellis discloses that the main facility and the real time data sources, real-time data collection facility communicate between different communications path or the contributors and legacy system communicate with different communication paths including with each other reads on integrating hybrid, peer to peer means in the creation, management, and distribution of TV objects and programming. Ellis is silent on copy protection. Glover discloses that there is copy protection between data of a server or systems (Column 3, lines 61-67, Column 4, lines 1-8). Therefore, it would have been obvious at the time the invention was made to modify Ellis in order to include that copy protection between data of a server or systems (Column 3, lines 61-67, Column 4, lines 1-8) as taught by Glover in order to protect the computer system from unauthorized users (Column 3, lines 61-67, Column 4, lines 1-8) as disclosed by Glover.

***Conclusion***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farzana E. Hossain whose telephone number is 571-272-5943. The examiner can normally be reached on Monday to Friday 8:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

FEH
May 2, 2006

VIVEK SRIVASTAVA
PRIMARY EXAMINER